

11-02-05

AF/IFW/g

Practitioner Docket No. RJ-6704

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Mark Andrew Baker, et al.**

Serial No.: **10/644,127**

Group No.: **3676**

Filed: **August 20, 2003**

Examiner: **Christopher J. Boswell**

For: **IMPROVEMENTS IN FURNITURE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board from the decision of the Primary Examiner,
mailed August 16, 2005, finally rejecting claims 2 - 11, 14 - 16, 18 and 19.

The item(s) checked below are appropriate:

1. **STATUS OF APPLICANT**

This application is on behalf of

- ☒ other than a small entity.
☐ a small entity.

A verified statement

- ☐ is attached.
☐ was already filed on

CERTIFICATION UNDER 37 CFR §§ 1.8(a) and 1.10*
Express Mail certification is optional.)

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail in
an envelope addressed to: **Commissioner for Patents,
P.O. Box, Alexandria, VA 22313-1450**

Date of Deposit _____

Typed Name: _____

Signature _____

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
"Express Mail Post Office Addressed to: **Commissioner
for Patents, P.O. Box, Alexandria, VA 22313-1450**

Express Mailing Label No.: **ET694209882US** - Mandatory

Date of Deposit **November 1, 2005**

Typed Name: **LISA D. JONES**

Signature *Lisa D. Jones*

FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the Patent and Trademark Office at (703) _____

*Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

11/04/2005 TBESHAH1 00000071 10644127

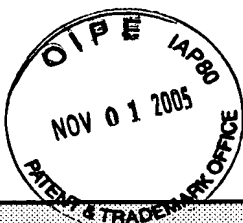
02 FC:1253

1020.00 DP

11/04/2005 TBESHAH1 00000071 10644127

01 FC:1401

500.00 DP



FEE FOR FILING A NOTICE OF APPEAL					
Pursuant to 37 C.F.R. 1.17(e), the fee for filing the Notice of Appeal is:					
<input type="checkbox"/> Small Entity				\$ 250.00	
<input checked="" type="checkbox"/> Other than a small entity				\$ 500.00	
SUBTOTAL OF ADDITIONAL FEES					500.00
<p><i>The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.55(c) for extension of time in reexamination proceedings).</i></p> <p>Applicant petitions for an extension of time under 37 C.F.R. §1.136 (FEES: 37 C.F.R. §1.17 (1) – (4) for the total number of months checked below:</p>					
EXTENSION	1ST MONTH	2ND MONTH	3RD MONTH	4TH MONTH	
Large Entity	<input type="checkbox"/> \$120.00	<input type="checkbox"/> \$450.00	<input checked="" type="checkbox"/> \$1,020.00	<input type="checkbox"/> \$1,590.00	\$1,020.00
Small Entity	<input type="checkbox"/> 60.00	<input type="checkbox"/> 225.00	<input type="checkbox"/> 510.00	<input type="checkbox"/> 795.00	
<p>[] An extension for ____ month(s) has already been secured and the fee paid therefore of \$____ is deducted from the total fee due for the total month(s) of extension now requested.</p> <p>[] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.</p>					
TOTAL ADDITIONAL FEE FOR THIS NOTICE OF APPEAL					\$1,520.00

FEE PAYMENT

- ☒ Attached is a ☒ check ☐ money order in the amount of **\$1,520.00**
- ☒ Authorization is hereby made to charge the amount of **\$0.00**
- ☒ to Deposit Account No. 20-0090.
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should **not** be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

FEE DEFICIENCY

- ☒ If any additional extension and/or fee is required, charge Deposit Account No. 20-0090.

AND/OR

- ☒ If any additional fee for claims is required, charge Deposit Account No. 20-0090.

Date: **November 1, 2005**

Customer No.: 26,294

Reg. No.: 24,042


Signature Of Attorney

CALVIN G. COVELL
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
526 Superior Avenue – Suite 1111
Cleveland, OH 44114-1400
Tel. No.: (216) 621-2234